IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 133 (S/B) of 2004

Radhey Shyam Agarwal S/o Sri K.C. Agarwal
R/o 433 Awas Vikas Roorkee presently
Working as Principal in K.L.D.A.V
Inter College Roorkee
District Haridwar & others … Petitioners

Versus

State of Uttaranchal through
Secretary Education Uttaranchal … Respondent

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Yadav learned counsel for the petitioner and learned Chief Standing Counsel.

Present writ petition has been filed by the petitioners for a writ, order or direction in the nature of mandamus directing the respondent no. 1 to pay the all retrial benefits to the petitioners as payable to government servants according to the annexure 3 to the writ petition. The petitioners have further prayed commanding the respondent no. 1 to take reasonable decision on the petitioners representation dated 26.02.2003 annexure 5 to the writ petition.

Brief facts of the case are that the petitioners no. 1 is Principal in K.L.D.A.V. Inter College, Roorkee, petitioner no. 2 is lecturer (History) in K.L.D.A.V Inter College Roorkee, petitioner no. 3 is working as Assistant Teacher in Shikshak Sandan Ucchatar Madhyamik Vidyalaya Roorkee – Haridwar and petitioner no. 4 is working as Assistant Teacher in B.D. Inter College Bhagwanpur – Haridwar. The petitioners are member of Uttaranchal Madhyamik Shikshak Sangh, Uttaranchal and are going to be retired at the end of present academic session.

The State of Uttaranchal has enhanced the age of superannuation 58 to 60 years vide notification dated 28.11.2001 numbered as 70 90 Ka/2001 but it came into effect since 15.06.2002.

On 20.01.2004 Secretary,, Finance, Uttaranchal Government issued order in which it was mentioned that government employees will be entitled for all benefits of extended period of two years. In this regard the petitioners have filed the representation before the respondent no. 1 through their Sangh on 26.02.2004 but no decision has been taken so far.

The petitioner have confined his grievance only with regard to the decision on the representation dated 26.02.2004 annexure 5 to the writ petition.

A perusal of the record, shows that the petitioner has claimed the benefit of service on reaching the age of superannuation i.e. 60 years for which they have filed the representation before the respondents on 26.02.2004.

In view of the above the respondents are directed to decide of the representation of the petitioners dated 26.02.2004 in accordance with law within a period of six weeks.

With these direction, the writ petition is finally disposed of.

(Rajesh Tandon, J.) **(M.M. Ghildiyal, J.)**

09.06.2004
ASWAL